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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,932	09/12/2003	Glen Silva Abad	P210	7038

7590 11/22/2004

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EXAMINER

PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,932

Applicant(s)

ABAD ET AL.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The amendment filed on September 20, 2004 is not considered. It appears that Applicant sent in an amendment for the wrong patent application since the applied prior art discussed in the amendment Kelley et al (Patent No. 2004/0125688) is unrecognized.

This response is based on the amendment and argument filed on September 17, 2004.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6 are again rejected under 35 U.S.C. 103(a) as being unpatentable over either Scheufler et al (5,554,416) or Reighard et al (5,505,763).

Scheufler et al disclose a method of monitoring a filter during spray painting with a spray gun (16) in a paint spray booth (12) coupled to an exhaust pump (20) comprising the steps of installing a filter (42, 44, 46, 48) between the booth (12) and exhaust pump (20), determining the initial pressure drop across a filter prior to use of the spray booth (24 & 26; col. 6, lines 64-65), determining the maximum allowable pressure drop for the filter across the filter (col. 7, lines 2-3), providing a warning when the maximum pressure drop is reached (col. 7, lines 7-14) wherein the pressure drop is measured by means of first and second sensors (24 & 26) positioned on either side of the filter (40, 42) and wherein the pressure transducers (24, 26, 28, 30) are connected to a computer (36) to monitor the pressure drop across the filter. Reighard et al disclose a method of monitoring a filter during spray painting with a spray gun (18 A-C) in a paint spray booth (12) coupled to an exhaust pump (98) comprising the steps of

installing a filter (58) between the booth (12) and exhaust pump (98), determining the initial pressure drop across a filter prior to use of the spray booth (Pfp), determining the maximum allowable pressure drop for the filter across the filter by adding the initial pressure drop of the filter to the maximum allowable increase in pressure drop across the filter (see Fig. 6, col. 11, line 64 through col. 12, line 28), providing a warning when the maximum pressure drop is reached (col. 12, lines 12-21). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a method of monitoring a filter during spray painting process as taught by either Scheufler et al or Reighard et al in order to effectively control, monitor and supervise the operation and performance of the air filtration system for the paint spray booth.

Response to Arguments

Applicant's arguments filed on September 17, 2004 have been fully considered but they are not persuasive.

Applicant argues that both the cited references Scheufler et al and Reighard et al do not disclose "the concept of determining the initial pressure drop across the filter and the maximum allowable pressure drop for the filter by adding to the initial pressure drop, and a warning when the maximum allowable pressure drop is reached". The Examiner respectfully disagrees. Scheufler et al disclose a pressure sensors (24 and 26) located prior to the filter to inherently determine the initial pressure across a filter prior to use of the spray booth (24 & 26; col. 6, lines 64-65), the maximum allowable pressure drop for the filter across the filter is inherently measured (col. 7, lines 2-3), and a warning is inherently lighted up when the maximum pressure drop is reached (col. 7, lines 7-14)

wherein the pressure drop is measured by means of first and second sensors (24 & 26) positioned on either side of the filter (40, 42) and wherein the pressure transducers (24, 26, 28, 30) are connected to a computer (36) to monitor the pressure drop across the filter. Scheufler et al inherently disclose the concept of determining the initial pressure drop across the filter and the maximum allowable pressure drop for the filter by adding to the initial pressure drop, and a warning when the maximum allowable pressure drop is reached by specifically stating "as the total differential static pressure between the pair of first stage static pressure sensor (24, 26) and the pair of main filter static pressure sensors (28, 30) increases due to filtration loading, as determined by the host computer (36) [as a warning device]", as claimed. The Examiner introduces the Reighard et al as the secondary reference to show the detailed step of determining the initial pressure drop across a filter prior to use of the spray booth (Pfp), determining the maximum allowable pressure drop for the filter across the filter by adding the initial pressure drop of the filter to the maximum allowable increase in pressure drop across the filter (see Fig. 6, col. 11, line 64 through col. 12, line 28), providing a warning when the maximum pressure drop is reached (col. 12, lines 12-21). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a method of monitoring a filter during spray painting process as taught by either Scheufler et al or Reighard et al in order to effectively control, monitor and supervise the operation and performance of the air filtration system for the paint spray booth.

Applicant's arguments with respect to claims 1-6 have been thoroughly considered but are moot in view of the rejection as discussed above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham
Patent Examiner
Art Unit: 1724
November 18, 2004